

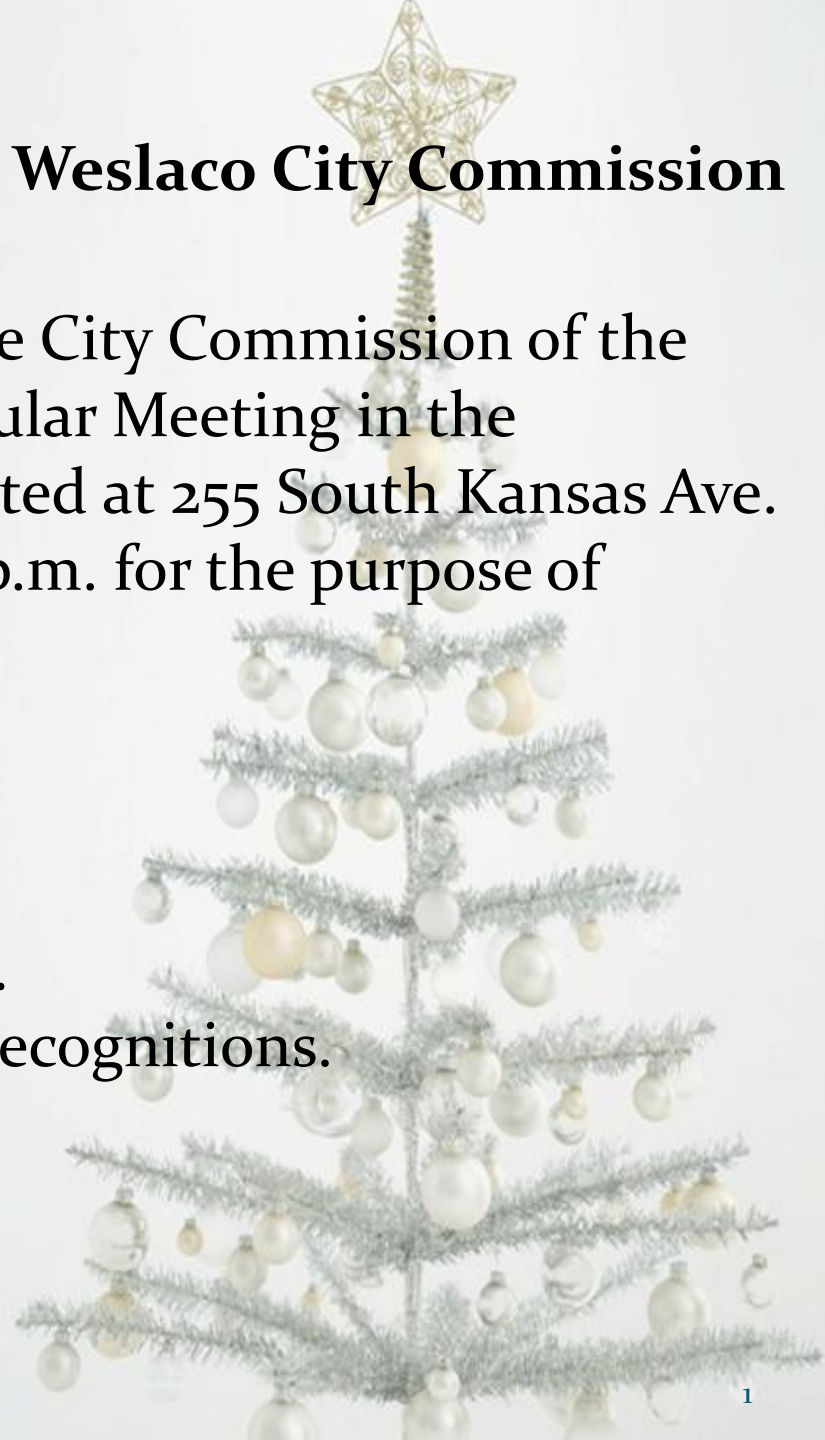


# A Regular Meeting of the Weslaco City Commission

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Ave. on Tuesday, December 6, 2011 at 5:30 p.m. for the purpose of discussing the following items:

## I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Mayoral Proclamations and Recognitions.
- C. Invocation.
- D. Pledge of Allegiance.
- E. Roll Call.





## II. PUBLIC HEARINGS

A. To solicit input on a proposed elevated water storage tank at Harlon Block Sports Complex.





### **III. CONSENT AGENDA**

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.



### III. CONSENT AGENDA – (Continued)



- A. Approval of the Minutes of the Regular Meeting of November 15, 2011. Attachment.
- B. Approval on Second and Final Reading of the following ordinances:
- 1) Ordinance 2011-37 amending Ordinance 2008-31, as previously codified in the City of Weslaco Code of Ordinance as Section 62.51, to establish new residential, commercial, and industrial garbage rates; requiring commercial containers in some instances; establishing a rate to be charged for commercial container garbage collection; and ordaining an effective date. First Reading of Ordinance 2011-37 held November 15, 2011. Attachment.

### III. CONSENT AGENDA – (Continued)



#### ***B. Continued:***

- 2) Ordinance 2011-36 repealing Ordinance 75-18 to dissolve the Weslaco Traffic Safety Committee and designate a Traffic Safety Officer. First Reading of Ordinance 2011-37 held November 15, 2011. Attachment.



### III. CONSENT AGENDA – (Continued)



- C. Approval of Amendment No. 3 to the contract with Texas General Land Office (formerly Texas Department of Rural Affairs Contract No. DRS010201) with change order to revise the project schedule for the generator installation at the Water Treatment Plant and South Waste Water Treatment Plant and authorize the Mayor to execute any related documents. Attachment.
- D. Approval to renew the agreement with AmeriCorps Youth Harvest to engage high school tutors and mentors at the Mayor Joe V. Sanchez Public Library at no cost through the month of July 2012 authorize the Mayor to execute any related documents. Attachment.



### III. CONSENT AGENDA – (Continued)



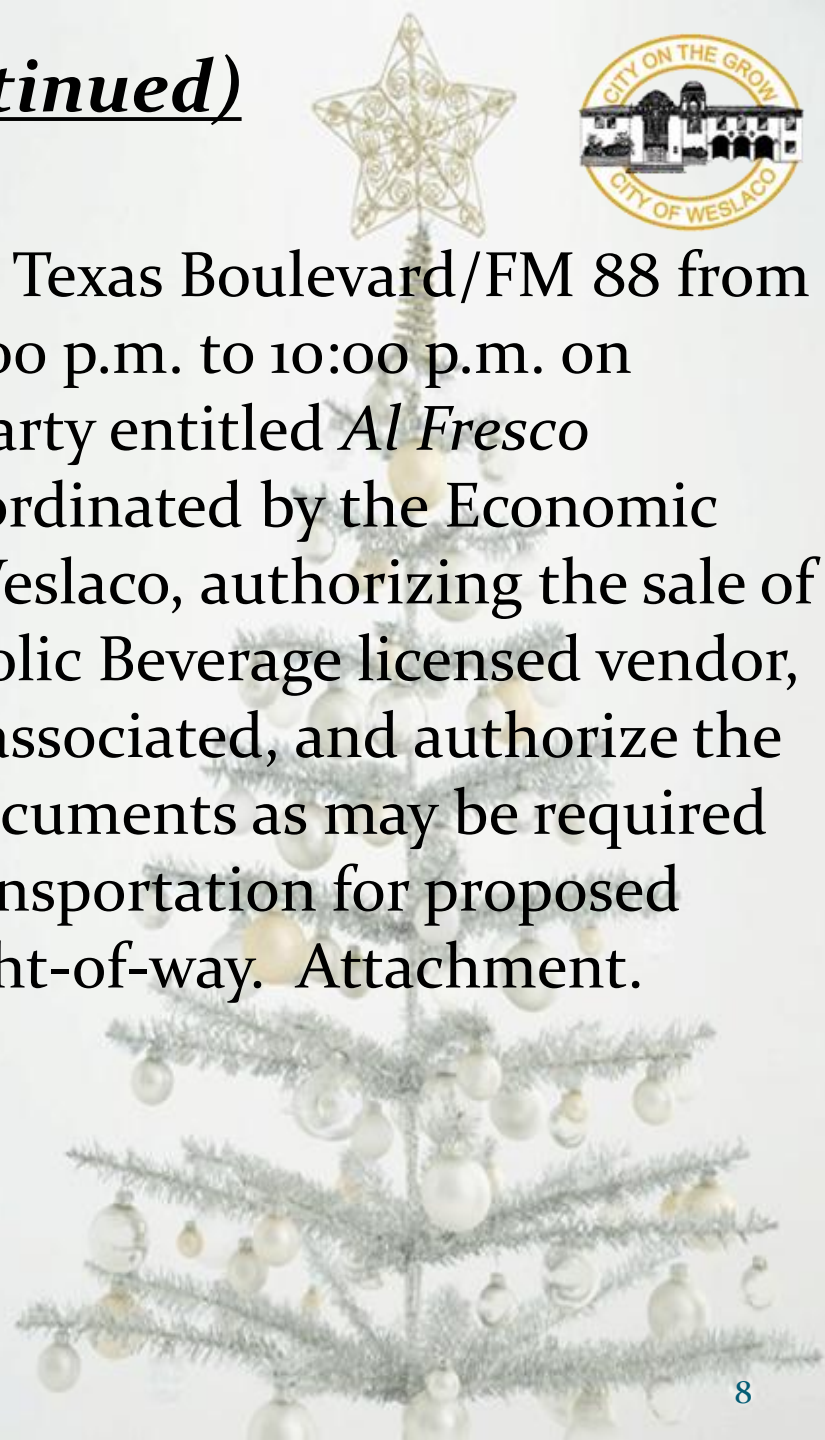
- E. Approval to renew the agreement as budgeted in an amount not to exceed \$720.00 with Vaisala to provide Automated Weather Information to the National Weather Service to make available local weather information to pilots throughout the United States for Flight Planning Purposes. Attachment.



### III. CONSENT AGENDA – (Continued)



- F. Approval of the request to close Texas Boulevard/FM 88 from Third to Fourth Streets from 6:00 p.m. to 10:00 p.m. on December 29, 2011 for a block party entitled *Al Fresco Weslaco – Jazz on the Street* coordinated by the Economic Development Corporation of Weslaco, authorizing the sale of wine and beer by a Texas Alcoholic Beverage licensed vendor, waiving any fees or ordinances associated, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. Attachment.

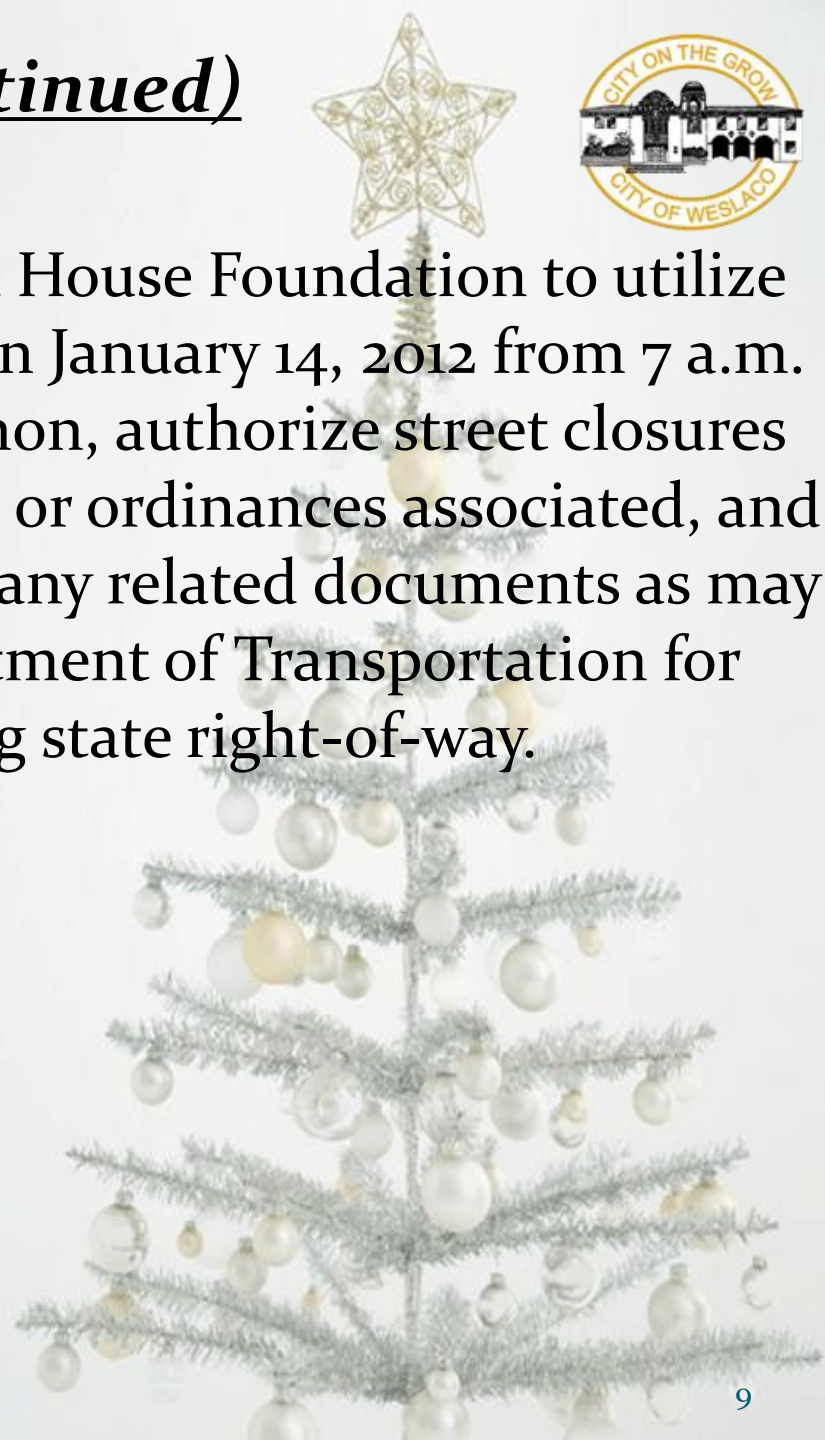




### III. CONSENT AGENDA – (Continued)



- G. Approval of a request by Aurora House Foundation to utilize Harlon Block Sports Complex on January 14, 2012 from 7 a.m. – 12 noon for a charity walk-a-thon, authorize street closures as appropriate, waiving any fees or ordinances associated, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. Attachment.



### III. CONSENT AGENDA – (Continued)



- H. Approval of a request by Cintia Loera to close designated streets within Windcrest Subdivision for a neighborhood block party 6:00 – 10:00 p.m. on Saturday, December 17, 2011. Attachment.
- I. Approval of the 2012 City of Weslaco Holiday Schedule. (There was no action on this item November 15, 2011.) Attachment.
- J. Approval of the recommended slate on the official ballot of the 2012 Election of Directors of the membership of the Rio Grande Valley Partnership. Attachment.



# IV. APPOINTMENTS



- A. Discussion and consideration to approve Resolution No. 2011-69 to appoint one member to an expired term on the Planning and Zoning Commission. Possible action. (This item was tabled November 15, 2011.) Attachment.
- B. Discussion and consideration to nominate a member of the Weslaco community to the Rio Grande Valley Walk of Fame as part of BorderFest 2012 and authorize the Commission to sign the submittal form as nominators. Possible action. Attachment.







## V. NEW BUSINESS

- A. Discussion and consideration to adopt Ordinance 2011-38 to amend the Master Fee Schedule to establish the fee discount for demonstrated non-profit religious and municipally-chartered organizations. First Reading of Ordinance 2011-38. Possible action. (Item as requested by the Mayor.) Attachment.
- B. Discussion and consideration to authorize a contract with the Weslaco Bicultural Museum d.b.a. Weslaco Museum in an amount not to exceed \$72,000.00 to provide public purpose services to the City of Weslaco citizens effective October 1, 2011 through September 30, 2012. Possible action. Attachment

## V. NEW BUSINESS – (Continued)



- C. Discussion and consideration to approve the Collective Bargaining Agreement effective through September 30, 2012 as negotiated with the duly recognized police bargaining team, Weslaco Municipal Police Union, as authorized by §551.071 of the Texas Government Code. Possible action. Attachment.
- D. Discussion and consideration to approve Change Order No.1 for Project No. 07-125B Lift Station #27 Gravity Sewer Line and Force Main as presented by DK III Hornback R.F.D., Inc., representing a cost decrease of \$200.00 and a time extension of 364 calendar days with a revised completion date of 11/30/11, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

## V. NEW BUSINESS – (Continued)



- E. Discussion and consideration on behalf of A.C. Cuellar, Jr., d.b.a. JIII Investments, to approve the Final Plat of Las Villas Santos Amended Subdivision, being a 35.85 acre tract of land out of being all of Farm Tract 736, and 9.996 acres out of farm Tract 728, Block 165, West and Adams Tracts Subdivision, Hidalgo County, Texas, located on the north west corner of Mile 5 North and Border Avenue. Possible action. Attachment.
- F. Discussion and consideration on behalf of Juan De La Cerda to approve the Final Plat of Dollar General First Addition Subdivision - being a 7.73 acre tract of land out of Farm Tract 632, West and Adams Tracts Subdivision, Hidalgo County, Texas, located on the 2100 Block of West Business Highway 83. Possible action. Attachment.





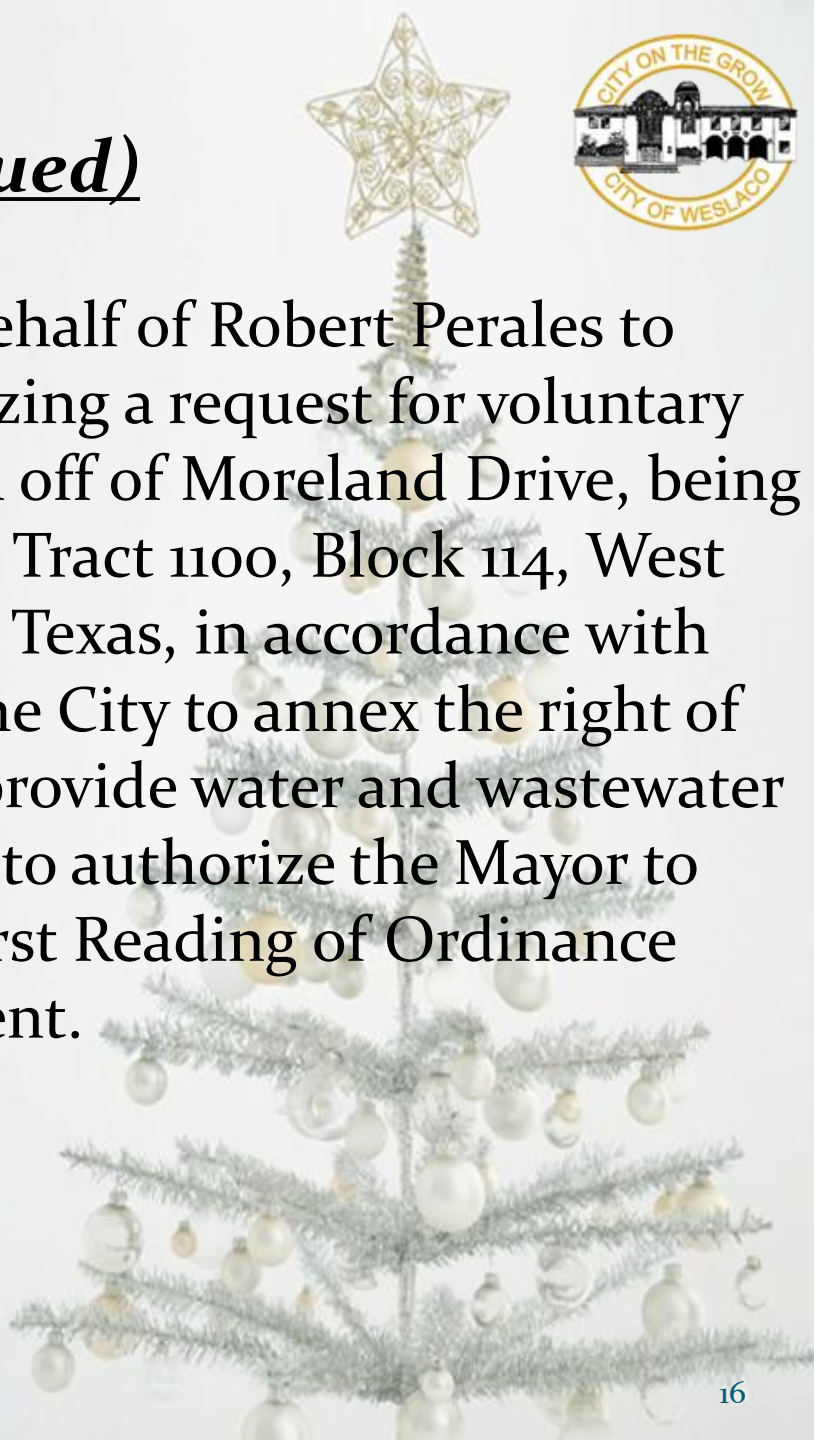
## V. NEW BUSINESS – (Continued)

- G. Discussion and consideration on behalf of Bob Avery, SDI Realty, to approve the Final Plat of SDI Weslaco Holdings, Lots 6, 7 & 8- being a 3.013 acre tract being all of Lots 6, 7 and 8 of the Amended Plat of SDI Weslaco Holdings, LLC, Hidalgo County, Texas, located on the northwest corner of U.S. Expressway 83 and Bridge Avenue. Possible action. Attachment.
- H. Discussion and consideration on behalf of RDG ANDE, LTD to approve final plat for Westgate-Miller Subdivision, being 2.19 acres out of Lot 1, Westgate Drive Plaza Subdivision and out of Lot 2, Miller Commercial Subdivision, Hidalgo County, Texas. Possible action. Attachment.



## V. NEW BUSINESS – (Continued)

- I. Discussion and consideration on behalf of Robert Perales to approve Ordinance 2011-39 authorizing a request for voluntary annexation of a one-lot subdivision off of Moreland Drive, being a 2.01 acre tract of land out of Farm Tract 1100, Block 114, West Tract Subdivision, Hidalgo County, Texas, in accordance with §43.122 and §43.129 which allows the City to annex the right of way leading to the subdivision, to provide water and wastewater service by the City of Weslaco, and to authorize the Mayor to execute any related documents. First Reading of Ordinance 2011-39. Possible action. Attachment.





## V. NEW BUSINESS – (Continued)

- J. Discussion and consideration of to approve the revised Airport Land Use Lease for the leasing of land on the Weslaco Mid Valley Airport to accommodate hangar construction, airport business development, and furtherance of development and revenue enhancement for the Weslaco Mid Valley Airport. Possible action. Attachment.
- K. Discussion and consideration to accept the 2011 Homeland Security Grant SAA #11-SR-77272-01 in the amount of \$43,601.25 for communications equipment under the umbrella of the Mid Valley Regional Communications Corporation, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.





## V. NEW BUSINESS – (Continued)

- L. Discussion and consideration to approve the purchase of 130 Badger Orion Integral Transmitters from sole vendor Badger Meter, Inc. for a total of \$36,777.75 as budgeted. Possible action. Attachment.
- M. Discussion and consideration to award contract bid No. 2011-12-02 for Waterworks Collection and Distribution Materials to the lowest responsible bidder for an amount not to exceed \$166,514.23 and authorize the Mayor to execute any related documents. Possible action. Attachment.





## V. NEW BUSINESS – (Continued)

- N. Discussion and consideration to approve the Professional Service Agreement with LaFevre Environmental Management Consulting, LLP for engineering services for the rehabilitation of lift station No. 36 as negotiated in the amount not to exceed \$84,051.00, authorize budget amendments as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.
- O. Discussion and consideration to authorize a budget amendment in the amount of \$16,140.25 to the transfer from the Intergovernmental Revenues account into the Library's Capital Outlay account to administer late-arriving funds in accordance with the Hidalgo County Library System 2011 Interlocal Agreement. Possible action. Attachment.



## V. NEW BUSINESS – (Continued)

- P. Discussion and consideration to implement a Food for Fines program at the Mayor Joe V. Sanchez Public Library, allowing library patrons to exchange canned goods for outstanding library fees through December 2011 in support of a food drive by the Rio Grande Valley Food Bank. Possible action. Attachment.
- Q. Discussion and consideration to approve the Option to Purchase Supplemental Extended Reporting Coverage on Public Officials and Employment Practice Liability in an amount not to exceed \$14,417.00 for a one-year term or \$28,834.00 for a two-year term and authorize the Mayor to execute any related documents. Possible action. Attachment.



## V. NEW BUSINESS – (Continued)

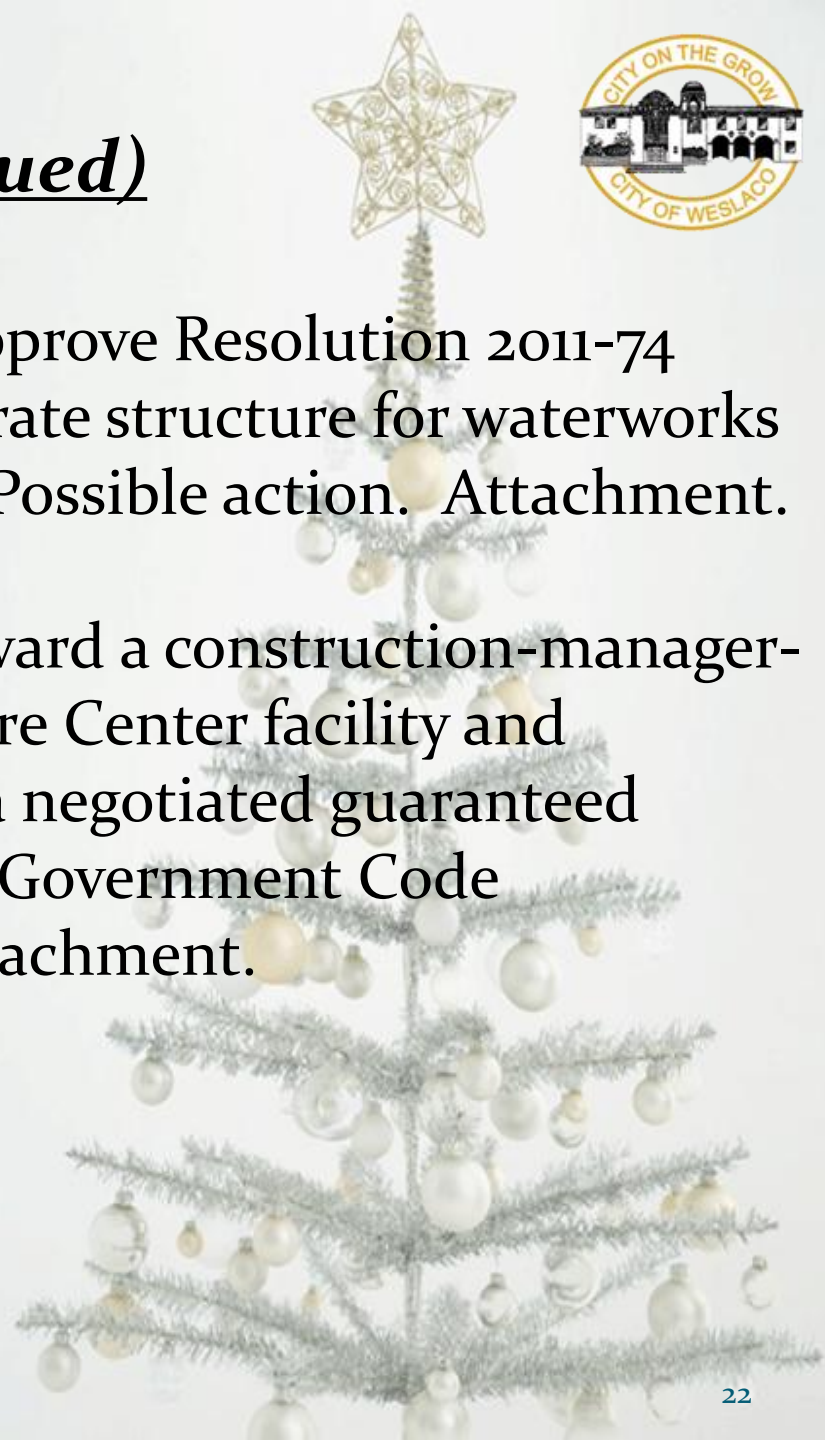


- R. Discussion and consideration to approve Resolution 2011-75 confirming the appointment by the City Manager of a staff City Attorney as a public officer. Possible action. Attachment.
- S. Discussion and consideration to approve Resolution 2011-73 authorizing publication of the Notice of Intent to Issue Certificates of Obligation and authorize the Mayor to execute any related documents. Possible action. Attachment.
- T. Discussion and consideration to approve Ordinance 2011-40 authorizing the issuance of “City of Weslaco, Texas Tax Notes, Series 2011,” a paying agent/registrar agreement, a purchase and investment letter, and other matters related thereto, and authorize the Mayor to execute any related documents. First Reading of Ordinance 2011-40. Possible action. Attachment.



## V. NEW BUSINESS – (Continued)

- U. Discussion and consideration to approve Resolution 2011-74 proposing the plan of finance and rate structure for waterworks and sewer system improvements. Possible action. Attachment.
- V. Discussion and consideration to award a construction-manager-at-risk contract for the Valley Nature Center facility and associated projects contingent on a negotiated guaranteed maximum price as per Texas Local Government Code 252.022(a)(2). Possible action. Attachment.





## V. NEW BUSINESS – (Continued)

W. Discussion and consideration to authorize the City Manager to negotiate a construction-manager-at-risk contract for the Boys & Girls Club facility and associated projects at Weslaco City Park as per Texas Local Government Code 252.022(a)(2). Possible action. Attachment.

X. Discussion and consideration to authorize the City Manager to negotiate a long-term lease with the Weslaco Independent School District in fulfillment of the Boys & Girls Club Indoor Recreation grant project 51-000065. Possible action. Attachment.







## VI. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Upcoming Meetings and Appointments. Attachment.
- B. Report on Senate Bill 100 – scheduling the uniform election.
- C. Report by Airport Department.



## VII. PUBLIC COMMENTS



The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. The Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.



## VIII. EXECUTIVE SESSION



Texas Government Code, Section 551 Open Meetings:  
§551.145. Closed Meeting Without Certified Agenda or Tape  
Recording; Offense; Penalty







(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

#### §551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection

(a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. [Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.]

NOTE: Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.



## VIII. EXECUTIVE SESSION – (Continued)

- A. Pending Litigation – Discussion with City Attorney and assigned Special Counsel Garza & Pena, PLLC regarding *Cause No. CCD-0033-F In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva* pursuant to §551.071 of the Texas Government Code.
- B. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City's rights, duties, privileges, and obligations in connection with the Collective Bargaining Agreement with the duly recognized fire union bargaining team, the IAFF-WFFA Local 3207, as authorized by §551.071 of the Texas Government Code.



## **IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

## **X. ADJOURNMENT**

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 2<sup>nd</sup> day of December, 2011 at 8:50 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary

**NOTE:** If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.





## **ADDENDUM ITEMS:**

Please be advised that the following items are considered as part of the agenda of the Regular Meeting scheduled for Tuesday, December 6, 2011, and will be scheduled at anytime during the 5:30 p.m. meeting. The items to be considered are as follows:

### **I. STATUS REPORTS AND VISITORS WITH BUSINESS**

- A. Knapp Medical Center aquisition by Universal Health Services, Inc.



# ADDENDUM ITEMS (Continued):

## II. APPOINTMENTS

- A. Discussion and consideration to approve Resolution No. 2011-65 to appoint one member to an unexpired term on the Weslaco Health Facilities Development Corporation. Possible action. (Resignation was accepted and appointment was tabled November 15, 2011.) Attachment.





## ADDENDUM ITEMS (Continued):

I hereby certify this Notice of an Addendum to a Regular Meeting of the Weslaco City Commission was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 3rd day of December, 2011 at 4:20 p.m. and will remain so posted continuously for at least 72-hours proceeding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary